

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY APRIL 22, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 392

Introduced by Assembly Members Feuer and Jones
(Principal coauthor: Assembly Member Bonnie Lowenthal)
(Principal coauthor: Senator Alquist)
(Coauthors: Assembly Members *Huffman*, *Lieu*, *Monning*, and
***Ruskin*)**

February 23, 2009

An act relating to long-term health care facilities, ~~and~~ making an appropriation therefor, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 392, as amended, Feuer. Long-term health care facilities.

Existing law provides for the licensure of long-term health care facilities by the State Department of Public Health. Under existing law, the Long-Term Care, Health, Safety, and Security Act of 1973, the department may assess penalties for violation of prescribed state and federal requirements. Moneys collected as a result of the penalties imposed pursuant to these provisions are required to be deposited into either the State Health Facilities Citation Penalties Account or the Federal Health Facilities Citation Penalties Account, and used, upon appropriation by the Legislature, for the protection of health or property of residents of long-term health care facilities, including reimbursing residents for personal funds lost and costs associated with informational meetings.

Existing law establishes the Office of the State Long-Term Care Ombudsman in the California Department of Aging. Under existing law, the office is responsible for, among other things, investigating and resolving complaints and concerns communicated by or on behalf of patients, residents, or clients of long-term care facilities, as defined. Existing law authorizes the California Department of Aging to allocate all federal and state funds for local ombudsman programs according to a specified distribution schedule.

This bill would appropriate \$1.6 million from the Federal Health Facilities Citation Penalties Account to the California Department of Aging for local ombudsman programs, to be used before the end of the 2009–10 fiscal year.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The sum of one million six hundred thousand
2 dollars (\$1,600,000) is hereby appropriated from the Federal Health
3 Facilities Citation Penalties Account to the California Department
4 of Aging for use in funding local ombudsman programs pursuant
5 to the distribution schedule in Section 9719.5 of the Welfare and
6 Institutions Code. These funds may be used for this purpose
7 through the end of the 2009–10 fiscal year, at which time remaining
8 funds shall revert to the originating account.

9 SEC. 2. *This act is an urgency statute necessary for the*
10 *immediate preservation of the public peace, health, or safety within*
11 *the meaning of Article IV of the Constitution and shall go into*
12 *immediate effect. The facts constituting the necessity are:*

13 *In order to protect the safety of older Californians by funding*
14 *vital inspection services for long-term care facilities, it is necessary*
15 *that this bill take effect immediately.*